

D<sup>2</sup>

5. (Thrice Amended) The plant according to claim 3, wherein the [gene] DNA sequence encoding the anti-bacterial peptide from the Diptera Insect is introduced into a plant in a form selected from the group consisting of:

- (i) a recombinant gene;
- (ii) an expression cassette comprising a recombinant gene operably linked to a first plant promoter; and
- (iii) an expression vector comprising an expression cassette comprising a recombinant gene operably linked to a first plant promoter, and a drug resistance gene operably linked to a second plant promoter which is constitutively expressed.

D<sup>3</sup>

12. (Thrice Amended) A transgenic plant with resistance to pathogenic bacteria, comprising a [gene] DNA sequence selected from the group consisting of:

- (a) a recombinant gene comprising a gene encoding an anti-bacterial peptide operably linked to a plant gene via a hinge region of tobacco chitinase gene ;
- (b) an expression cassette comprising a recombinant gene operably linked to a first plant promoter, wherein the recombinant gene comprises a gene encoding an anti-bacterial peptide operably linked to a plant gene via a hinge region of tobacco chitinase gene; and
- (c) an expression vector comprising an expression cassette comprising a recombinant gene operably linked to a first plant promoter, wherein the recombinant gene comprises a gene encoding an anti-bacterial peptide operably linked to a plant gene via a hinge region of tobacco chitinase gene, and a drug resistance gene operably linked to a second plant promoter which is constitutively expressed.

D<sup>4</sup>

15. (Twice Amended) A recombinant gene comprising a [gene] DNA sequence encoding an anti-bacterial peptide operably linked to a plant gene via a hinge region of tobacco chitinase gene.